

USSN: 09/683,684

PATENT

**REMARKS**

This is in response to the office action dated 9/10/2004. Claims 1-72 are pending in the present application. The Examiner rejected claims 1-72 under 35 USC section 103 and objected to claims 30, 31, 49, and 50. Applicant has cancelled claims 30, 31, 49, and 50. Applicant has amended claims 1, 19, 37, and 55. The remaining claims remain unchanged. Applicant responds as follows:

**Claim Objections**

The Examiner objected to claims 30, 31, 49, and 50. Applicant has cancelled claims 30, 31, 49, and 50. The rejection is now moot.

**Claim Rejections**

The Examiner rejected claims 1-72 under 35 USC section 103(a) as being unpatentable over US Patent #5,351,226 issued to Mizumoto, in light of US Patent #5,881,036 issued to Ceshkovsky. Claims 1, 19, 37, and 55 are the current pending, independent claims. Claims 1, 19, 37, and 55, have been amended to include the limitation the near zero offset is used as an initial input for the servo loop after it is closed again. The prior art, alone or in combination, does not teach, suggest, or describe this limitation, for the reasons stated in more detail below:

I.

It would not have been obvious to modify Mizumoto with the additional teaching of Ceshkovsky, because using a near zero offset as an initial input for the servo loop after it is closed again, is contrary to the teaching of the Ceshkovsky reference.

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Applicant agrees with the Examiner that Mizumoto does not teach, describe, or suggest providing a near zero offset to a tracking actuator. Applicant, however, asserts that as amended, the current independent claims 1, 19, 37, and 55 cannot be taught by the combination of Mizumoto and Ceshkovsky because the limitation of the current claims requires at least four things: 1) opening a tracking servo loop that was previously closed; 2) providing a near zero offset to a tracking actuator; 3) closing the tracking servo loop; and 4) using the near zero offset as input into the recently closed tracking servo loop so that it can resume tracking.

The Ceshkovsky reference, on the other hand, is directed to radially moving a light beam between different information tracks, while the tracking servo loop remains in "continuous closed loop mode of operation" (See, Abstract, lines 1-5 [emphasis added]). Thus, the Ceshkovsky reference and the current application have different purposes. Ceshkovsky's specific purpose is to Pause or Search, for instance, while always in a closed loop mode of tracking. The present invention, on the other hand, is designed to perform a pause or other function by, opening the tracking servo loop, and then closing it again later when the pause or other function is complete. Thus, the near zero-offset is used in a manner that could not be suggested or combined with Ceshkovsky, namely the near zero offset is used to restore tracking after the open tracking servo loop is later closed. Since Ceshkovsky is always in closed loop tracking mode, the near zero offset could not have been used in this manner, by feeding it as input into the recently closed tracking servo loop.

Additionally, the Ceshkovsky reference states explicitly that "opening and closing a tracking servo loop while performing a PAUSE or SEARCH operation has a disadvantage . . ." (See, Background of the Invention, Column 2, Lines 62-67). Thus, Ceshkovsky was designed for performing functions in a continuously closed tracking servo loop. Ceshkovsky teaches away from the present invention because its purpose was to never open the tracking servo loop, whereas the present invention is designed

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to function with an open tracking servo loop. As such their objectives are achieved in different ways. As such, Ceshkovsky suggests an approach that is contrary to the current invention and cannot be used in combination with Mizumoto. For at least those reasons, independent claims 1, 19, 37, and 55 are in a condition for allowance.

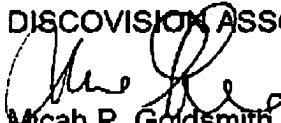
### Conclusion

Claims 1-72 are pending in the present application. The Examiner rejected claims 1-72 under 35 USC section 103 and objected to claims 30, 31, 49, and 50. Applicant has cancelled claims 30, 31, 49, and 50. Applicant has amended claims 1, 19, 37, and 55. For at least the reasons stated above, claims 1, 19, 37, and 55 are in a condition for allowance, as well as the remaining dependent claims 2-18, 20-29, 32-36, 38-48, 51-54, and 56-72.

If the Examiner believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicant's attorney at the phone number listed below.

Respectfully submitted,

DISCOVISION ASSOCIATES

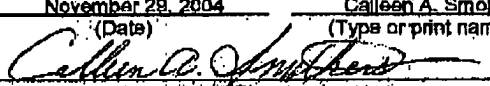


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